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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/210,892	12/16/1998	YOSHIKI SHUTO	614.1933	7847
21171	7590	03/21/2008		
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER HAVAN, THU THAO	
			ART UNIT 3693	PAPER NUMBER
			MAIL DATE 03/21/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/210,892

**Applicant(s)**

SHUTO, YOSHIAKI

**Examiner**

THU-THAO HAVAN

**Art Unit**

3693

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8, 16 and 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 16, and 18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/02)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

Claims 1-8, 16, and 18 are pending. This action is in response to the remarks received December 27, 2007.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-8, 16, and 18 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims **1-8, 16, and 18** are rejected under 35 U.S.C. 102(e) as being anticipated by Nakagawa et al. (US 5,835,911).

Re claims **1, 16, and 18**, Nakagawa teaches a method of constructing a software system in a computer connected to a center via a network (fig. 1), comprising:

storing an information about development situations, know-how, and knowledge in a solution bank at the center in units of solution patterns, the information including

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software components of a default software system and said solution patterns having been previously provided (col. 61, line 1 to col. 63, line 24; col. 67, lines 1-23; fig. 2);

selecting a solution pattern among said solution pattern that is applicable to a customer (col. 30, lines 19-67; figs. 4-5);

downloading contents including at least one or more of the software components of the default software system corresponding to the selected solution pattern to install the default software system in the computer and constructing a desired software system based on the installed default software system (col. 2, lines 44-51; col. 3, line 49 to col. 4, line 15; col. 11, lines 28-33; col. 22, lines 35-47; figs. 12-14 and 24).

Re claim **2**, Nakagawa teaches solution bank stores information on an application environment including proposals, designs, software, know-how, and a programming environment (col. 68, line 15 to col. 71, line 42).

Re claim **3**, Nakagawa teaches accessing the solution bank based on information including a business model, transaction forms, and a project size; and selecting items of desired information from items presented by the solution bank (figs. 8, 18-22).

Re claim **4**, Nakagawa teaches accessing the solution bank based on information including the solution pattern, a machine being used, a product being used; and supplying an application environment of the default system from the solution bank to the computer in which the desired software system is to be constructed (col. 94, lines 11-28; figs. 8-9 and 11).

Re claim 5, Nakagawa teaches supplying design documents of the default software system from the solution bank to the computer in which the desired software system is to be constructed (col. 61, line 1 to col. 62, line 64).

Re claim 6, Nakagawa teaches solution bank provides a solution pattern categorized according to a business-transaction model which is requested by the computer in which the desired software system is to be constructed (figs. 22-24).

Re claim 7, Nakagawa teaches solution bank provides only a partial function of a solution pattern for the computer in which the desired software system is to be constructed (figs. 6-8).

Re claim 8, Nakagawa teaches checking components incorporated into the default software system which is used as a basis for the desired software system; and utilizing the checked components for a computer in which another system is to be constructed (figs. 3-4).

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Thao Havan whose telephone number is (571) 272-8111. The examiner can normally be reached during her flextime schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct-uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

/Thu Thao Havan/

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3/16/08